

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1070

AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-13-1.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The ombudsman may receive, investigate, and attempt to resolve complaints that the department of correction:

- (1) violated a specific law, rule, or department written policy; or
- (2) endangered the health or safety of any person.

However, the ombudsman shall not investigate a complaint from an employee of the department of correction that relates to the employee's employment relationship with the department of correction.

(b) At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

(c) If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

(d) The ombudsman shall create a monthly report that includes a summary of the findings of all substantiated complaints.

(e) The ombudsman may conduct investigations of alleged violations of department of correction policy, state or federal laws, and department of correction administrative rules at any department of correction facility.

(f) The ombudsman may recommend changes to the

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commissioner of the department of correction concerning department of correction policies or practices based upon information learned or observations made by the ombudsman during the course of an investigation.

(g) If the ombudsman discovers evidence that the ombudsman reasonably believes constitutes the commission of a crime, the ombudsman immediately shall, if the ombudsman considers it appropriate, inform the commissioner of the department of correction, who shall conduct an investigation. If, after conducting the investigation, the commissioner has reasonable suspicion to believe that a crime has been committed, the commissioner shall:

- (1) if the crime involves any person who is not an offender, immediately report the crime to an appropriate law enforcement agency; and
- (2) if no person other than an offender is involved in the crime, immediately report the crime to an appropriate law enforcement agency if the commissioner believes that the prison disciplinary process is not appropriate.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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